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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,075	02/06/2004	HAOMING LI	22.1547	2074
35204 7590 04/06/2007 SCHLUMBERGER RESERVOIR COMPLETIONS 14910 AIRLINE ROAD ROSHARON, TX 77583			EXAMINER COLLINS, GIOVANNA M	
			ART UNIT 3672	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/708,075

Applicant(s)

LI ET AL.

Examiner

Giovanna M. Collins

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 10-12 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-9, 14-17 and 20 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Lussier et al. 5,648,635.

Referring to claim 2, Lussier disclose an adapter comprising a holder mechanism (34) adapted to receive a first shaped charge (24) and a loading tube (76) having a mounting mechanism (102) adapted to connect the first charge to a loading tube, the loading tube formed to receiving a second shaped charge having a selected size large that the first shaped charge and the holder mechanism being configure for connection to the mounting mechanism for mounting the first shaped char in the loading tube.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kneisl et al. 2002/0189482 in view of Lussier '635.

Kneisl discloses (fig. 1) an apparatus for use in perforation a wellbore, comprising a loading tube (22) with a jacket (24) but does not disclose an adapter. Lussier teaches an adapter is a well known accessory for a shaped charge (see fig. 2b, at 34 and col. 6, lines 46-47). As an adapter is a well accessory for a shaped, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus disclosed by Kneisl to have an adapter in view of the teachings of Lussier.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lussier '635 in view of Kneisl et al. 2002/0189482.

Lussier discloses a method for use in wellbore perforating operation comprising using a holder (34) to mount a shaped charge of a selected size into a loading tube. Lussier does not disclose a jacket. Kneisl teaches a jacket is well known in the art (see fig. 1). As a loading tube having a jacket is well known in the art, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the method disclosed by Lussier to insert the shaped charge into a standard jacket of a loading tube in view of the teachings of Kneisl.

Allowable Subject Matter

4. Claims 3-9 and 14-17 and 20 are allowed.

Response to Arguments

Applicant's arguments filed 12/26/06 have been fully considered but they are not persuasive. Referring to the applicant's argument concerning rejection of claim 2 in view of Lussier, the applicant argues the Lussier reference does not disclose a loading tube having a mounting mechanism adapted for holding a second shaped charge larger than the first charge. The applicant is reminded that it has also been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in an patentable sense. In re Hutchison, 69 USPQ 138. The mounting mechanism (102) is capable of holding a second shaped charge larger than the first charge. The applicant also argues the Lussier reference does not disclose the holding mechanism is configured for connection to the mounting mechanism. The way the mounting mechanism (102) is formed as seen in fig. 7, the holder mechanism (34) will connect with the mounting mechanism when installed in the loading tube.

Referring to the rejection of claim 1, the applicant argues the references do not disclose an adapter adapted to receive and mount a shaped charger of a selected size into a jacket. As stated above, the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in an patentable sense In re Hutchison, 69 USPQ 138. The adapter (34) taught by Lussier is capable of receiving and mounting a shaped charger of a selected size into a jacket of a loading tube.

Referring to claim 13, the applicant argues the references do not disclose a standard jacket being designed to hold shaped charges larger than the selected size. However, the jacket taught by Kneisl can hold charges (those without jackets) of a size larger than a selected size (those with jackets).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna M. Collins whose telephone number is 571-272-7027. The examiner can normally be reached on 6:30-3 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Gmc


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